

NOV 17 2003

VIA FAX NOVEMBER 17, 2003

OFFICIAL

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of: He et al.

Attorney Docket No.: PF140P1D1

Application Serial No.: 09/613,508

Art Unit: 1653

Filed: July 10, 2000

Examiner: G. Bugaisky

Title: Interleukin-1 B Converting Enzyme Like  
Apoptosis Protease-3 and 4TERMINAL DISCLAIMER UNDER 37 C.F.R. § 1.321(b)Commissioner For Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Human Genome Sciences, Inc. is the Owner of the entire right, title and interest in and to the above-identified application by virtue of assignments that were recorded on April 22, 1996, at Reel 7937, Frame 0822.

The Owner hereby disclaims the terminal part of any patent granted on the above-identified application which would extend beyond the expiration date of U.S. Patent No. 6,538,121, issued on March 25, 2003, and hereby agrees that any patent so granted on the captioned application shall be enforceable only for and during such period that the legal title to said patent shall be the same as the legal title to U.S. Patent No. 6,538,121.

The Owner further agrees that this agreement is to run with any patent granted on the above-identified application and is to be binding upon the grantee, its successors, and assigns.

The Owner does not disclaim any terminal part of the patent granted on the above-identified application prior to the expiration date of the full statutory term of U.S. Patent No. 6,538,121 in the event that U.S. Patent No. 6,538,121 later expires for failure to pay a maintenance fee, is held unenforceable, is found invalid, is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. 1.321(a), has all claims canceled by a

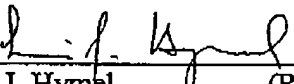
reexamination certificate, or is otherwise terminated prior to the expiration of its full statutory term, except for the separation of legal title stated above.

The fee under 37 C.F.R. § 1.20(d) for processing this Terminal Disclaimer is believed to be \$110.00. The Commissioner is hereby authorized to charge the required fee to Deposit Account No. 08-3425.

I hereby confirm that I have reviewed the assignments and, to the best of my knowledge and belief, title is in the assignee seeking to take action in this matter and that I am empowered to act on behalf of Human Genome Sciences, Inc.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Dated: November 17, 2003

  
\_\_\_\_\_  
Lin J. Hymel (Reg. No. 45,414)  
Attorney for Applicants

**Human Genome Sciences, Inc.**  
9410 Key West Avenue  
Rockville, MD 20850  
(301) 251-6015 (phone)

KKH/LJH/ZSS/vr